

PCT

#6

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Kenneth L. Arrington, et al.



Serial No. 10/517,576

Filed: December 9, 2004

For: MITOTIC KINESIN INHIBITORS

Art Unit: To be determinedExaminer: To be determined

Commissioner for Patents
 P.O. Box 1450
 Alexandria, Virginia 22313-1450

**INFORMATION DISCLOSURE STATEMENT
 UNDER 37 CFR 1.97**

Sir:

1. In compliance with 37 C.F.R. 1.97, submitted on the attached form herewith is a list of patents, publications or other information which are requested to be made of record in this application. This Information Disclosure Statement is not an admission that any patent, publication or other information referred to herein is "prior art" for this invention. In accordance with 37 C.F.R. 1.97(h), the filing of this Information Disclosure Statement shall not be construed to be an admission that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. 1.56(b).
2. In accordance with 37 C.F.R. 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made.
3. Applicants respectfully request that the Examiner initial the attached form after reviewing the pertinence of each reference.
4. Pursuant to 37 C.F.R. 1.98 (a)(2)(ii), copies of each cited U.S. patent and each U.S. patent application publication are not enclosed herewith.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the date appearing below.

MERCK & CO., INC.

By

Date

7/25/05

INFORMATION DISCLOSURE STATEMENT

5. Pursuant to 37 C.F.R. 1.98(d), copies of references listed on the attached form that were submitted to or cited by the Office in a related application upon which the instant application relies for an earlier filing date under 35 U.S.C. 120 are not enclosed. Related application(s) in which references were submitted to or cited by the Office are as follows:

RELATED APPLICATION		
U. S. SERIAL NUMBER	FILING DATE	MERCK CASE

If this is inconvenient, additional copies will be submitted upon request.

6. In accordance with 37 C.F.R. 1.97, (check one)

the attached information is filed within three months of the filing date of the captioned case.

the attached information is filed more than three months after the filing date but prior to the mailing of a first Office Action on the merits.

the attached information is being filed more than three months after the filing date and after the mailing of a first Office Action on the merits, but before the mailing date of a Final Action or Notice of Allowance. The enclosed authorization is therefore given to charge Deposit Account No. 13-2755 for the fee required under 37 C.F.R. 1.17(p).

the undersigned certifies that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement.

the undersigned certifies that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated under 37 C.F.R. 1.56(c) more than three months prior to the filing of this Statement.

Respectfully submitted,



By: David A. Muthard

Attorney _____ For Applicant(s)

Reg. No. 35,297

MERCK & CO., INC.

Patent Dept., RY60-30

P.O. Box 2000

Rahway, N.J. 07065-0907

(732)594-3903

Date: July 25, 2005

Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

III 27 2005

(use ~~as~~^{as} many sheets as necessary)

1 of 2

COMPLETE IS KNOWN

Application Number	10/517,578
Filing Date	December 9, 2004
First Named Inventor	Kenneth L. Arrington
Group Art Unit	
Examiner Name	
Attorney Docket Number	21119YP

U.S. PATENT DOCUMENTS

FOREIGN PATENT DOCUMENTS

Examiner
Signature

Date Considered

*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

*Examiner: Initial if reference considered, whether form with next communication to applicant.

SEND TO: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450. Computer generated form - IDS Form (IDS Folder), Mirek et al.

SEND TO: Commissioner for Patents, P.C. B.C.

Substitute for Form 1449-BF-10
**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet

2

1

2

Application Number	10/517,57
Filing Date	December 9, 2004
First Named Inventor	Kenneth L. Arrington
Group Art Unit	
Examiner Name	
Attorney Docket Number	21119YP

NON PATENT LITERATURE DOCUMENTS

NON-PATENT INFORMATION
Include name of the author, title, date, page(s), volume-issue number(s) and place of publication.

Examiner _____ Date Considered _____
Comments _____
This section is for comments on performance and not considered. Include comments on the following:

Signature _____
*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.
SEND TO: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450. Computer generated form "IDS Form" (IDS Folder), Merck & Co., Inc., 7/12/2005



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Kenneth L. Arrington, et al.

Serial No.: 10/517,576 Case No.: 21119YP

Filed: December 9, 2004

For: MITOTIC KINESIN INHIBITORS

Art Unit:
To be determined

Examiner:
To be determined

Commissioner of Patents
Alexandria, Virginia

EXPLANATION OF RELEVANCE OF NON-ENGLISH DOCUMENTS UNDER 37
C.F.R. 1.98(a)(3)(i)

Sir:

Applicants respectfully note that one (1) of the documents listed on the USPTO 1449 for submitted herewith is not in the English language and a copy of an English translations of that documents is not within the possession, custody or control of Applicants, and, to the Applicants knowledge, is not readily available. Below is a concise explanation of the relevance of that non-English documents:

The French scientific publication by O. Yebdri and F. Texier (*Bull. Soc. Chim. Fr.*) discloses preparation of a series of 2,3-dihydro-4-phenyl pyrrole compounds having nitrile and ester disubstitution on the 3-position. The Yebdri publication also describes saponification of the ester to provide the corresponding 2,5-dihydropyrrole compound (see for instance compound 19). There is no disclosure in the Yebdri publication of a pharmaceutical use for the compounds disclosed therein.

The French scientific publication by A. Ranjon (*Bull. Soc. Chim. Fr.*) discloses photooxidation reactions of polyphenyl imidazole and polyphenyl pyrrole compounds in which 2,5-endoperoxide derivatives are transient intermediates. The Ranjon publication also describes dihydroxypyrrrole intermediates in such reactions (see for instance compound 29). There is no disclosure in the Ranjon publication of a pharmaceutical use for the compounds disclosed therein.

The instant invention discloses certain substituted 2,4-diaryl-2,5-dihydropyrroles that are inhibitors of the mitotic kinesin KSP and are useful in the treatment of cancer.

CERTIFICATE OF MAILING

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VIRGINIA 22313-1450, ON THE DATE APPEARING BELOW.

MERCK & CO., INC.

BY 

DATE: 7/25/05

Respectfully submitted,

By: 

David A. Muthard
Reg. No. 35,297
Attorney for Applicant(s)
MERCK & CO., INC.
P.O. Box 2000
Rahway, New Jersey 07065-0907
(732) 594-3903

Date: July 25, 2005